

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SWINOMISH INDIAN TRIBAL
COMMUNITY, a federally recognized
Indian Tribe,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a Delaware
corporation,

Defendant.

No. 2:15-cv-00543-RSL

STIPULATED MOTION AND ORDER
EXTENDING CERTAIN PRE-TRIAL
DEADLINES

Pursuant to Fed. R. Civ. P. 16(b)(4), the Parties file this Stipulated Motion Extending
Certain Pre-Trial Deadlines, and state as follows:

**A. The Parties Stipulate to Extend the Deadline for Rebuttal Expert Witness
Disclosures to February 16, 2024**

1. The Parties made their primary expert disclosures on December 15, 2023. The
Tribe and BNSF each disclosed one expert.

2. The operative scheduling order provides that rebuttal expert witness disclosures
must be made by January 26, 2024. (Dkt. 137).

3. A mediation for this case is scheduled for January 22-23, 2024.

1 4. In order to allow the Parties to focus on the upcoming mediation, the Parties
2 stipulate that the deadline to disclose rebuttal expert witness disclosures should be extended to
3 February 16, 2024.

4 **B. The Parties Stipulate to Extend the Deadline for the Completion of Discovery to**
5 **March 8, 2024.**

6 1. After the rebuttal expert reports are exchanged, the Tribe intends to take a
7 deposition of BNSF's expert witness as well as one fact witness, and BNSF intends to take the
8 deposition of the Tribe's expert witness.

9 2. The operative scheduling order provides that expert discovery must be completed
10 by February 16, 2024. (Dkt. 137).

11 3. In accordance with the above stipulation to extend the deadline for rebuttal expert
12 witness disclosures to February 16, 2024, and the Tribe's intent to take the deposition of one fact
13 witness, the Parties stipulate that the deadline to complete all expert and fact discovery should be
14 set for March 8, 2024.

15 **C. The Parties Stipulate to Extend the Deadline for Filing Dispositive and Daubert**
16 **Motions to March 29, 2024.**

17 1. The operative scheduling order provides that the deadline for filing dispositive
18 motions and Daubert motions is March 14, 2024. (Dkt. 137).

19 2. Due to the experts providing the primary evidence in the damages phase of the
20 litigation, and in accordance with the above stipulated extensions, the Parties stipulate that the
21 deadline to file dispositive and Daubert motions should be extended to March 29, 2024.
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STIPULATED to this 5th day of January, 2024.

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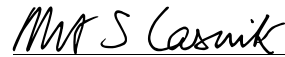
Weston R. Lemay, WSBA #51916

Attorneys for Plaintiff

ORDER

PURSUANT TO THE ABOVE STIPULATION, THE COURT ORDERS that the deadline for rebuttal expert witness disclosures is February 16, 2024; the deadline for the completion of discovery is March 8, 2024; and the deadline for filing dispositive and Daubert motions is March 29, 2024.

Dated this 8th day of January, 2024.



Robert S. Lasnik

United States District Court Judge